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Continuing the Discussion
September 11, 2001

September 11, 2001. 9/11. Terrorist Attack. These are only some of the terms we have come to use to describe what happened to this country less than four months ago. Yes, time has passed, and some tensions may not be running as high as they once were, but the effect of this attack continues to reverberate throughout our lives. Here at Case Western Reserve University, a place of learning, we have coped by talking, debating and discussing. That is the nature of an institution of higher learning: we talk, we debate and argue, we learn, and luckily, most of the time, we shake hands and walk away. We seem to be doing a lot of these things outside of the University setting as well, but unfortunately, minus the shaking hands part. At the beginning, perhaps, this was normal – people responded to each other with emotion and passion because of the circumstances. But the anger seems to have stayed, wedged between those who think "one way" and those who think the "other."

As one lives, one learns that everyone has stories. In many ways, our stories and their similarities are the glue that binds us, and many times just listening to each other is a soothing, healing act. It seems that people have forgotten that. What the University offers, as an institution, is a safe place to discuss and, hopefully, the tools to dissect. In a way, we here are very lucky in relation to September 11th – we, as an institution, have permission to consistently and constantly discuss the issue, even after mainstream places have stopped.

So, we feel lucky, and we want you to feel lucky, too. We want to share what we have heard and learned at CWRU, and hope it might help you, too. This is why we are dedicating a good chunk of our newsletter to two important forums, dubbed "The 9/11 Forums" given by the Frederick K.Cox International Law Center and the Journal of International Law at the CWRU School of Law. Both were given in October 2001. The first revolved around U.S. foreign relations and international legal issues. The panelists were: Kenneth Grundy, Marcus A. Hanna Professor of Political Science at CWRU; Charles Dunbar, Warburg Professor in International Relations at Simmons College; Henry T. King, Jr., Professor, CWRU School of Law and Director of Canada/U.S. Law Institute; and Sidney I. Picker, Professor of Law, CWRU. The second focused on domestic issues and the panel consisted of: David W. Leopold, Adjunct Professor of Law, CWRU School of Law; Theodore S. Gup, Shirley Wormser Professor of Journalism and Media Writing, CWRU; Ramez Islambouli, Executive Director of Muslim Campus Ministry, CWRU; and Sam Thomas, Senior Lecturer, Banking and Finance, Weatherhead School of Management, CWRU.

What makes the two "9/11 Forums" so vitally important is that the Law School and Professor Hiram Chodosh, who was largely responsible for putting them together, chose gather many people, many views, and many challenges. What you will see is the content of most of these two forums in our newsletter, in article form. Because this did take place a few months ago, some of the information may out of date, but none of it, we promise, is irrelevant. A final note: we think it is important to remember, as Professor Chodosh, who moderated both 9/11 Forums, said at the first forum, "History will judge these events in part by how we respond." And by how we respond to each other.

In This Issue:

The "9/11" Forums

INTERNATIONAL RELATIONS

Kenneth Grundy began by telling the group that he feels, like many others, that there is definitely a "before and after quality" in the world now because of the September 11th events. "Maureen Dowd, in one of her Sunday *New York Times* columns begins with the words, 'In the lost world, New York's Twin Towers were still standing,' " he said. "Now, admittedly, Maureen Dowd is hardly definitive, but she is representative of the way people are thinking, and I wonder if that sort of dichotomy in thinking is in order in terms of world affairs now." He explained that the world, in economic terms, throughout the 1980s and 1990s, was an evolving system with relatively open borders. "Now, take a look at the stock market, the airline industry, the insurance industry, the travel industry – the whole thing has 'gone south,' " he said. "If the US economy falters and goes down, can it not help but pull the rest of the world with it?"

There is the increased cost of security that has to be factored into any kind of economic activity. Professor Grundy believes that privatization will be slowed down. This has already been proved by the large amount of people calling for government to do "something. "One might see September 11th as a new challenge to the system of sovereign states," he remarked. "Trans-national corporations want porous borders and weak controls, but so do terrorists! Americans have been in the habit of thinking that big institutions, big states, big corporations – that they are the things making important differences in our country and world. Yet only three weeks ago, extremists wreaked tremendous destruction on those very institutions. It's a sobering image."

The United States knew that it could not fix this on its own and quickly paid its back dues to the United Nations. "To address this challenge from focused zealots, a worldwide response is called for, and we looked to international organizations to help us," Grundy added. "The United Nations has seldom acted in such dispatch — it took only 24 hours to get a resolution through the Security Council, almost unheard of in early years."

"So," asked Professor Grundy, "to what extent does Osama bin Laden challenge the secular, sovereign, territorial, nation state system as we know it? What does September 11th do for that sense of trust across cultural divides that is absolutely necessary in an interdependent world?" So much depends on how the status quo powers handle this issue. With their reactions, states must not create a slippery slope of doubt, fear and suspicion that begets even a greater lack of trust.

"Where, in the pre-September 11th days, the pendulum was swinging towards corporations and a greater interaction in world affairs, now, all of sudden, the pendulum is taking a sharp swing in the opposite direction," he said. His fear is that the swing will be too much towards a regime preoccupied with security. Ironically, these periodic swings of the international relations pendulum happen, and it usually takes a cataclysmic event to propel the shift.

And yet, do we have good reason to isolate ourselves? At first blush, perhaps, but after a closer look, maybe that's not the best way to deal with this tragedy. "Since the Gulf War, even going back as far as to the mid-1980's, the world had been in an internationalist cooperative mode, and the upbeat economy seemed to bring that on. Our openness made that possible. I can also see how vulnerable and fragile open democratic society can be," he stated. "Can our big institutions (the State, the Armed Forces, U.S.A. Incorporated) be out-maneuvered and wrecked beyond repair because of our openness? Today we are skittish as we contemplate the hundreds of ways we are at risk in our daily lives."

As we contemplate these questions at home, Professor Grundy reminds that we must also "continue to do the calculus of (international) power politics. What if the USA destroys the Taliban government in Afghanistan? Then we have to look at how its neighbors vie for political influence and territorial gain in that part of the world," he said. "We still have a need to debate the traditional questions of regional and power politics." He explained that right now there is a need for the United States to seek legitimacy in our policies, and not strictly in a legalistic sense, but in a political sense, too. "The first flush of reaction was broad and sympathetic to the United States," he said. "Is it possible for us to fritter away that sympathy by virtue of policies of anger? It would be easy for us to get ourselves out on a lonely limb if we rely solely on the awesome firepower at our disposal." His answer? "We need a global effort

to collect and process intelligence and for the police work involved," he explained. "I am continually reminded of what the Afghan quagmire did to the Soviet Union: militarily, socially, fiscally, governmentally. If we are not careful, it is possible for that to happen to the United States as well."

So, how best to organize and coordinate that global effort, and what pitfalls must we watch out for? Professor Grundy explained that we have some important choices to make. "Do we concentrate on a coalition of like-minded states, and if so, how do we avoid it being seen of another instrument of northern capitalism that's out to exploit and humiliate the south," he asked. "There is a absolute need to define our focus, for if our focus gets too broad, it will become harder and harder to keep that coalition together. He reminded us that individual coalition members could also ask for things in return. "As well, do we abandon our alleged commitment to human rights in order to destroy terrorists wherever they may be found? Will this become the 21st century's Cold War", he asked. Again, using the Cold War analogy, he ended: "How many policies were screwed up because of our obsession with communism? One must be careful about which 'evil empire' one is dealing with."

DIPLOMACY AND AFGHANISTAN

"Are we entering the 9/11 era?" asked Charles Dunbar. "I find it hard to think of anything else but of what the ramifications of what 9/11 means, and the huge challenges that we all face because of it. When I speak of "we", I'll be speaking of we in the civilized world because we need to build a coalition that includes the civilized world. This is a war of civilization against people who are, I think, well described in an emotional email I received , 'unspeakable bastards.' "

Since September 11th, Professor Dunbar has been sought out because of his experience in and knowledge about the Middle East and South Asia. He spent five years in Afghanistan in the 1960s and then again, during the turbulent 1980s, when the Soviet Union was occupying that country. "The second time there, my job simply was to expose what was the effect of the Soviet War on Afghanistan, and later, I worked on developing a political strategy aimed at helping the Afghan resistance to become able to govern inside the country." He had hoped to help the resistance find its place as an internationally respected, governing force. "A difficult task," he said. "I wish I could say that we succeeded better than we did."

As we all continue to think about Afghanistan, he wants us to remember that Afghanistan and the war in it, helped to usher out the Cold War era. "The Afghanistan war was one of the last things that happened before the collapse of the Soviet Union," he said. "Now here is Afghanistan again, 10 bitter years later, in the opening chapter of what may or may not be a new era, the '9/11' era." He explained the greatest challenge that United States has is "quite simply, to get it right.. We need to be careful not to give the adversary the grist that they need to feed their propaganda mills. Their clear objective is to make this look like a war against the Muslim world and we must do everything we can do to avoid that from happening," he added.

He believes there are four important things that must happen for things to go smoothly for the United States, and in turn, the innocent people of Afghanistan:

Emergency help must go the country's predominantly rural population, and military escorts accompanying aid shipments give the invasion a compassionate face. So would mine clearing, health, and reconstruction operations. As to hearts and minds, rebuilding the country's shattered school system would offer an alternative to the distorted Islamic teachings of the Taliban.

Second, UN concurrence and involvement in the operation must be constant. The September 12 Security Resolution has already legitimized an operation against Al Qaeda in Afghanistan. A Desert Storm-like series of endorsements will help build a firewall against propaganda that what occurs in Afghanistan is no more than the United States taking out its anger on a helpless Muslim people.

Third, the US should redouble its efforts to broker a peace between Israelis and Palestinians. The Arfat–Peres meeting should be expanded into a return to peace negotiations that almost succeeded last summer. The overriding need for a just and lasting peace in the post-September 11th world should be explained to all concerned, including all segments of American Public opinion.

Finally, some nation building will almost certainly be needed. The former King of Afghanistan is ready to support a convening of a grand council, a longstanding political tradition in Afghanistan, to chose a successor to the Taliban regime. Whether we like it or not, the United States must help such a process, leading to a provisional government, and ultimately building a new political order for Afghanistan. (These four points were originally printed on A15 of the *Boston Globe*, 10/1/01)

Even though some may feel that giving aid is, for all intents and purposes, "good enough," Professor Dunbar tells a story that shows why we must dispense aid carefully . "I was teaching at the University of Zambia, and Andrew Young, our ambassador to the United Nations, was in the region. We asked him to give a talk at the University in gymnasium," he said. "When I got there, it was absolutely jammed – shoulder to shoulder, about 1500 kids in the tiny gym. So, Andrew Young started talking about US aid to Zambia and how wonderful it was. He would say, 'well, we gave 2.1 million dollars to build that bridge over there' and these people would boo." Each comment Mr. Young made enraged the crowd even more. "It escalated to the point where he ended up running for his life with the people shouting, 'American go home!' "

"It doesn't pay to tell the world you are buying them," he ended. "People don't like being told that. American has to find a subtle way of making assistance available – not simply because we have the money to give, but because it's right the thing to do and it *works*.

LAW AND INTERNATIONAL LAW

"We have two legal issues that we face in dealing with the situation on September 11," said Professor Henry King. "The punishment for people who committed these crimes and the legal basis for a US course of action." He believes "the law of force should be replaced by the force of law." Professor King believes this situation shows the need for an international criminal court like Nuremberg, which incidentally, was a U.S. creation. "But this is something that the US strongly opposes," he said.

"The concern here is the hijacking of planes – because they were used as instruments of destruction. This was intentional and amounts to murder on a massive scale, and this falls within the definition of crimes against humanity, and can be punished as such," he said. He went on to explain that crimes against humanity are crimes that are so bad, that under the concept of universal jurisdiction (introduced at Nuremberg) they can be tried anywhere, in the courts of any country that accepts this concept. "Some say universal jurisdiction was one of the most important outgrowths of Nuremberg," he said.

And a world court is important for so many reasons.

"We can try these people in our courts, but the credibility would be higher if they were tried before an international tribunal like Nuremberg. Because Nuremberg was international, it increased its importance," he explained. Nuremberg consisted of four primary nations getting together to try individuals for war crimes, and as well, 26 other nations agreed to the principles of Nuremberg. To solve this problem, Professor King thinks the UN could create an international tribunal by a Security Council resolution, just as it did in the case of Yugoslavia and Rawanda. "Further," he added, "the activities of this group had an international scope – they were not localized in one place. A collective effort in this area is very important." The one main difference, in terms of punishment, is that a death sentence is possible in US courts, but probably not in an international tribunal.

Professor King explained the United States needs to continue to keep the scope of the issues with Osama bin Laden global. "Under article 51 of the UN Charter, the U.S. has the right to self-defense in case of armed attack. As well, Article 5 of the NATO Charter obligates NATO Nations to support us in this case. In carrying out operations, we have should troops from other nations supporting us. We need to stay involved with the UN as much as we can, for the UN has already condemned these acts," he explained.

"I think we should support the Northern Alliance and have US and NATO troops carry out commando raids, and obviously, we should avoid killing innocent civilians – we kill our own principles when we kill the innocent, " he continued. "Internationalize the actions to deal with bin Laden and internationalize the trial of bin Laden and his cohorts — the trial/s should be before the world and they should be far-reaching." Professor King also believes that we must look at the causes for the rise of bin Laden and his group in

terms of grievances to be addressed – this can be addressed best in an international court, with the world looking on.

"If I were a lawyer for bin Laden," began Professor Sidney Picker, "I would have turned him over to an international tribunal on day one. bin Laden could say, 'I hereby submit myself to the charges before a fair and partial tribunal.' And that would have transformed this entire event from a political one to a judicial one. All the court procedures you know of would have been in place: burden of proof, what kind of evidence, due process, etc. The reason I mention this, is that when you have a trial, national or international, you are in a judicial process or mode, when you use force — you are not in a judicial mode." He explained that all one needs is sufficient indication that justifies the use of force. Traditionally, the use of force by one country or group of countries is allowed only in self-defense.

He used the example of the Japanese attacking Pearl Harbor. "There was no judicial determination that it really was Japanese, it didn't seem necessary," he said. "Now, when the U.S. and Iran were having troubles, and Iran took possession of the American embassy and American personnel, that was sent to the world court and a judicial process was in place and litigation was going on. Then the US decided to us force to extricate the Americans. The world court condemned the US action, saying it was a wholly inappropriate use of force."

Professor King added "one nation's terrorism is another nations heroism, and that is why we use the term crimes against humanity to reach these people." So, what of so-called "freedom-fighters?" In a world court, or in a world resolution, would their actions be tried as crimes against humanity? Professor Picker agreed that that was something that needed to be worked out, and further explained, "Terrorism has not been defined at all in the UN Security Resolution. There will need to be a globalization of the process for an international prosecution, and the gathering of evidence and witnesses."

IMMIGRATION

Professor Leopold told the group that even in the best of times, immigration law swings on a pendulum; not unlike the international relations pendulum. But unlike the pre-September 11th international relations pendulum swing, immigration was already in swing towards rather strict, stringent, and what Professor Leopold deems, draconian immigration laws. "To lay the back drop of pre-9/11 immigration laws: we had a statute which requires mandatory detention of people who have committed minor crimes; a statute that allows the use of secret evidence in deportation proceedings; and a statute that describes terrorism very broadly," said Professor Leopold.

However, this treatment of immigrants is not a new thing, relative to globalization. "The Supreme Court has ruled since the early 1950s that immigrants, when all is said and done, even long term residents of the United States — folks that have lived here all their lives, people who don't even speak the language of their 'home' countries, people who have had children in this country — are *only* guests, nothing more than guests," he said. "And as a host, you can always tell the guest to go home – and now, the United States as host is nervous." As someone who is concerned with immigrant's rights, Professor Leopold was hopeful that these draconian statutes would change. "We involved with immigration were hopeful pre-9/11. We were optimistic that the Vincente Fox visit would bring about some positive changes. We were hopeful about legislation pending in Congress which would have stripped away some of those more draconian measures that I mentioned. And, we were happy this summer that the Supreme Court had ruled favorably in terms of immigrants. But all of that has changed," he explained.

Professor Leopold mentioned that even though he comes from an immigration rights standpoint he, in no way, would want the country's security compromised. "But we are also grappling with the long-term effects of 9/11 like everybody else," he said. This includes innocent people who are immigrants. "The first week after the attacks," he told the group, "all immigrants were denied access to counsel, which in the past, was absolutely unheard of. There was detention of Middle Eastern immigrants across the country on issues that normally would not spark a detention, for example, marriage fraud issues. I was advised, point blank, by the District Director of Ohio to advise attorneys and clients that no longer will immigrants be given 'a pass' if they are picked up without an ID card"

An important question that Professor Leopold believes we need to keep asking ourselves is this:

who do we want to be as a nation? "We have statutes, on the one hand, to bring highly skilled employees in, as well as bringing in people who want to spend money," he said. "These statutes were designed to bring diversity to this country because this country wants diversity. But then there is the question of keeping people out. We don't know what the person who wants to do harm to the country looks like; does he look like Mohammad Atta or Timothy McVeigh?" Some of the answers to these difficult questions might come in the form of changes. "The 1st Amendment, in the immigration context, is an open question. My prediction is that the court would uphold a deportation statute that deports people on impure speech – they've done it, it was called McCartheyism," he said. "There is 'deportation for material support of terrorists groups,' but what exactly is a terrorist group?' A terrorist group could be defined as any group that possibly incites violence. That could include groups like Operation Rescue or Greenpeace. As well, the definition of terrorism itself is undergoing changes – the current law talks about the use of explosive devices, hijacking, etc. The new "Patriot Bill" includes any other object; this means throwing a stone could be construed as a terrorist act." Warning against broad definitions, Professor Leopold added, "If we clamp down and give up rights, you give these people what they want. Please remember, most immigrants come here, not because they want to be terrorists, but because they want a better life."

SECURITY AND THE CIA

"These days," said Professor Ted Gup, "everyone is looking for an expert. Everyone is looking for someone to say something they haven't heard before, something fresh, insightful and authoritative — and it ain't me, babe. Nobody knows what's going on these days, and anybody who pretends they do, or thinks they know what's going to happen next, is not, in my book, to be fully trusted."

In writing his book, *The Book of Honor: The Secret Lives and Deaths of CIA Operatives,* Ted Gup had something that few civilians will ever have – access to 1000 people who have worked for the CIA. He is quick to point out, however, that he "is not a scholar of the CIA, a student of the CIA, or an employee of the CIA. For a number of years, I was hanging around Langley and the people who worked there (getting his book interviews). It is important to note that I don't have any great vendetta against the Agency and I don't wake up every morning thinking of ways to destroy them," he continued. However, he does feel there are holes in the CIA, problems that need to be solved. "I believe the Agency is incredibly ill-suited and ill-equipped to deal with the current circumstances," he said. "There are a number of handicaps — the first being historical: this agency is a slave to the past — a slave to the Cold War — structurally, theoretically, philosophically. It views enemies in the context of foreign states which is an anachronism today."

Ted Gup called another problem at the Agency a "classically American" one. "When President George Bush went to Langley recently, he told the CIA, 'My heart goes out to you, I know you have been keeping long hours and eating cold pizza.' I thought, 'My God, there are terrorists who have been living in caves in the mountains in rocky terrain with little food for years, conspiring to bring about our downfall, and his heart goes out to someone for eating cold pizza?' They are well intentioned but not accustomed to getting down and dirty. As well, we look at intelligence the way we look at an ATM. We put 'our card' in and want intelligence out now. If we have to wait a nanosecond, we get itchy. We are also a high tech society fighting a low tech foe. We have invested billions in overhead satellite imagery to track groups that leave no footprints." He continued, "We are fighting folks who have pre-positioned themselves years in advance and have been training for years. I read recently an excuse given by one of the former directors of the CIA. He said, 'Do you know how long it takes someone to train in the language and the culture?' And I thought, 'Well, isn't that your job?' That's very disturbing to me because our lives depend on this."

Professor Gup assured the group that he knows people in the CIA who are very courageous and very willing to fight, but just don't have the proper tools. "They are impoverished linguistically, culturally and historically," he said. "Also include our lack of regional familiarity and our inability to pass among the people that we would infiltrate." He is aghast at the way we have reacted to and treated Arab Americans since September 11th. "Not only should we promote diversity, we should hold it in high esteem because it could well be that our chances for survival depend upon the assistance, cooperation and help of the Arab American community," he said.

MUSLIMS

Most of the time, if you see an Arab or Muslim in a movie, you see a stereotype. "You see: an insane, mustache-having, sword-waving, women-chasing, head-chopping maniac," explained Mr. Ramez Islambouli. "And now, unfortunately, September 11th just adds to that image."

Mr Islambouli began by looking back to the history of Islam, and how it started in Arabia. "The Prophet Mohammad started the message of Islam and spent about 13 years in the city of Mecca preaching. He was persecuted and harassed, and many of his followers were killed," he said. "However, Mohammad never gave the green light for anyone to kill anyone else, let alone commit violence. The only time permission was given for Muslims to fight was for the right to defend themselves. Throughout the history of Islam, we don't see much violence. To be honest, the real violence came when the Christians started a war against Islam. Since then, Islam has always had an army ready."

Mr. Islambouli explained that the problems between Muslims and Christians started many, many years ago. "Muslims ruled big chucks of areas in the world and Non-Muslims moved in and slaughtered Muslims. Then, Muslims slaughtered the Christians, and on and on. So, you must understand the length of time this has gone on."

He explained that the Muslim fundamentalism movements actually started up fairly recently. Part of the reason this happened, he explained is, "Governments in Muslim countries were run by people who were trained by the U.S. or the French, and if there were not governments, then there were Kings and Princes who were installed by these aforementioned countries." The ways these governments or monarchies treated their people is not a mystery to the people of the United States. In fact the United States, more than once, has found itself fighting against the very government or King it installed.

"So, the people in these countries started movements. They tried to peacefully protest governments – after all, they has seen peaceful protests work in other countries," he explained. "But they were responded to by extreme violence; arrested and then treated terribly in jail. And this happened again and again. So, naturally, these people figured the only way the government or the King will listen to us is if we respond with violence." Mr. Islambouli explained that the jihad movement began in horrible jails of these countries. He added, "The misappropriation of wealth as well as a healthy dose of disrespect for human rights have also played a large part in fostering the anger of these people. For example, in Afghanistan, the Afghani people defeated the Russian army. A nearly impossible task – and incidentally, this also fed into that myth that you can beat anyone if you can beat the Soviet Army. So, when the Afghani soldiers came home, instead of being treated like heroes, they were treated with fear by the corrupt powers that be. There was fear that these soldiers would take over Afghanistan, just like they "took over" the Soviets." So the rulers in Afghanistan treated these soldiers with contempt and violence born of their ignorance, greed and fear.

"People have turned their anger towards what they believe the source of these corrupt, puppet governments to be — the counties (like the U.S.) whose support created these governments," he said. "I think that is why the message of bin Laden was spread." One way to perhaps solve some of these issues, Mr. Islambouli believes, would be to push to have Arab Americans more involved in politics and government. "That would bring an understanding to the table that we haven't yet had when dealing with other countries as well as our own," he said. .

FINANCIAL ISSUES

"My intent is to spend a few minutes highlighting some financial implications of the current situation caused by 9/11," began Professor Sam Thomas. "Looking at the timing of this event is very important because, as you remember, we were going through a financial situation where everything had slowed considerably." Pre-September 11th, the Federal Reserve did several things to stimulate the economy. "Our country had a lot of stimulus in place and the economy was beginning to heal and then this happened," he said. Professor Thomas pointed out that if this was planned as financial terrorism, it was very successful.

"Now, the actual incident's impact on the economy was fairly small; two financial buildings fell and then

the immediate impact on air transportation," he said. "When looked at in those terms, that's a fairly small impact on our economy. What's more serious is how we responded because that is what will impact us the most in the long run." Professor Thomas explained that there were far more indirect responses to this, and possibly more to come. Some of these include: monetary policy responses like fiscal stimulus; increased spending in defense; the bailout of insurance firms and airlines; and rebuilding of New York and Washington D.C.

"However, it's critical that we think of these responses as being temporary in nature," he explained, "and critical that we clarify the use of the word 'war'." Financial systems have a hard time working well when they are engaged in a large scale war. "There is a temptation to spend too much money. As well, during wars, there is too much government meddling in fiscal systems," he explained. "When things like this take on a sense of permanence it is very difficult to bring the economy back to normal. We run the risk of over-stimulating the economy. It is important that we, as citizens, do not encourage the government to fix these economic issues for the short run by throwing money at it."

"Most money managers and economy watchers like me do not like wars. Wars come in all different flavors and ranges," he said. "This is a scale which seems quite small, and luckily, we have a surplus. We have saved enough money to fight this war, and it will help us clear out our surplus inventory. Because of this surplus, Professor Thomas believes that the 2002 economy will rival the robust 1999 one.

"But we must treat this government stimulation as a temporary thing or we will squander what I call our 'peace dividend.' " He explained that ever since the fall of the Berlin Wall, commerce has been "humming along very nicely," and the United States in particular, has been enjoying the "peace dividend" disproportionately." Primarily," he said, "we got to spend less on defense and money that we would've spent on what goes into our market system. Also, we have institutions of liberal democracy that are compatible with the type of corporate law and the culture of capitalism — so we were poised and ready to reap all of the benefits. We had a great time in the 1990s, and I would argue that that was the result of globalization."

Even though we have a surplus, the government has dispensed aid packages and fiscal incentives, but it can not continue forever, and the government must be careful about who or what they help. "If the government continues this stimulation, and we come to expect it and consider it a permanent thing, we could be in trouble," he said. "For example, a government bailout of the insurance companies, for all intents and purposes, would mean the government itself becomes an insurance company – they are basically the insurance companies for the insurance companies," he explained.

Fear and restrictions may stop people from using U.S. financial institutions. "We are also going see restrictive banking and privacy issues regarding assets, and all of this will nail the dollar," said Professor Thomas. "Up until now, the dollar has enjoyed considerable patronage by the wealthy of the world because it's a currency you can trust, and our banks enjoy fees because of that.".

As well, Professor Thomas explained, "if there is a huge war which ends of up being deficit-financed which means, if the war turns out to have a scale that is greater than the surplus we have, the government may have to issue new bonds." New bonds mean the government needs to borrow money from the public. This usually has an effect on interest rates (they go up), and business funding. The real problem with measures like this is that are supposed to work fine for the time being, but the fact is, they are usually difficult to reverse. "Look at Germany in WWII — once your financial system gets out of hand, it's impossible to turn it back," he said.

But the most important factor, in Professor Thomas' eyes, is how the United States treats everyone else in the world. "The U.S. has reaped the benefits of globalization, and in a globalized setting, there is a cost to being wealthy. If you are wealthy, you have to pay the cost of having some security. What that translates into in the global setting is charity — national charity or foreign aid," he said. "Europeans spend about three times more than we do on foreign aid. When we, as a people, get wealthy, we give it to charities; why shouldn't the United States do the same? And when the money is given, it should be apolitical, and funneled through private charities on an ongoing basis." He added, "In a sense, this would serve as PR or advertising for our way of life. We have a wonderful capitalist system here that the world would benefit from. We just need to advertise it better."

Director's Corner | *by Robert P. Lawry*

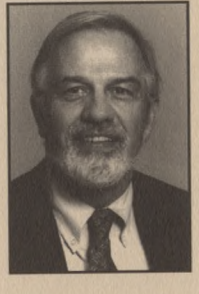
Looking Outward

Together with a number of law professors and lawyers throughout the country, I signed a letter of protest against the recent Presidential Order, authorizing the Department of Defense to establish military commissions to decide the guilt of non-citizens suspected of involvement in terrorist activities. As has been widely reported, these special military commissions permit indefinite detentions, secret trials, a need for only two-thirds of the judges to agree on guilt, the death penalty as a possible punishment, and no appeals. In one or more ways, such an order does not comport with either constitutional or international standards of fundamental fairness. The commissions are legally deficient, unnecessary, and unwise.

Of course, the unprecedented attacks of September 11 shook us to our foundations. However, those foundations were only shaken — they did not crack. Nor will they, unless, in a moment of panic, we allow a further assault from within.

We Americans are proud of our traditions of liberty, due process and free institutions. It is those values we ought to be exporting to the world. We ought not to be importing the kinds of secret trials that occurred in Peru recently, of an American tried as a terrorist. Our government rightly protested those proceedings and argued such trials should be held in "open civilian court with full rights of legal defense, in accordance with international judicial norms."

Let us do as we say. I endorse what Professor Henry King so eloquently proposed at one of the forums described elsewhere in this Newsletter. Working through the United Nations, we should establish an international tribunal, as was done in recent times to handle the international crimes committed in Yugoslavia and Rawanda. Our periodic efforts to become isolationistic in our approach to too many things is not good for our well-being and not good for the stability of the world. We were drifting towards such isolationism prior to September 11. We moved quickly into an international mode soon after. But, as Professor Grundy pointed out, when we do so, we often do so with blinders on. We support the seemingly expedient to achieve short term goals. Even the present administration admits the "war on terrorism" will be a long one. Why not help to make the world a better place as we defend ourselves? The world is not a better place when we adopt methods of trying criminals which we otherwise condemn. We should not retreat to the darkness of secret trials and a denial of what is best in our own traditions.



Robert P. Lawry is the Director of the Center for Professional Ethics and a Professor of Law at Case Western Reserve University School of Law. His column, Director's Corner, appears in each issue.

The Center for Professional Ethics

Robert P. Lawry
Director

Jeanmarie Gielty
Writer and Editor

The Center for Professional Ethics at Case Western Reserve University provides opportunities for students, faculty, administrators and professionals to explore more fully the foundations of personal and professional ethics. To join, please fill out the membership form on the back page of this newsletter. This newsletter is printed four times yearly.

Drama Discussions *by Darlene Rebello Rao and Marvin Rosenberg*

Teaching Ethics ThroughTheater

How do you get people interested in an abstract topic such as ethics? "The traditional method of lecturing does not seem to work for most people. At least it does not seem to excite and challenge students at the level it should," says Professor Marvin Rosenberg, School of Applied Social Sciences at CWRU.

Rosenberg has developed an innovative educational program, Voices of Diversity, now in its fourth year at CWRU. The program uses live theater to teach contemporary ethical issues. Rosenberg, a Professor of Social Work and an accomplished actor, recalls what Glenn Close once said about theater, "Good drama moves molecules." "She's right," Rosenberg agrees, "You have to effect both the right and the left side of the brain."

Marvin Rosenberg

Rosenberg, along with acclaimed actors Dorothy and Reuben Silver, Abdullah Bey and Sarah May, perform adapted versions of two award-winning Broadway plays, "Cold Storage" and "I'm Not Rappaport." The plays are brimming with contemporary ethical issues related to aging, insensitive healthcare, intergenerational conflict, terminal illness and race relations. "We bring these issues to life as we enact scenes from the plays," states Rosenberg.

Two unusual performances were particularly interesting. One was a presentation of "Cold Storage" to The Gathering Place, a cancer wellness center. The audience was comprised of cancer survivors, family members, volunteers and staff. Since the play is a dark comedy about cancer and terminal illness, Rosenberg was concerned about the possibility of being insensitive. However, the audience was more than enthusiastic to see a drama which dealt with terminal illness in a direct, thoughtful and humorous manner. The discussion was very animated, and as usual, the cast learned a great deal from the audience.

Another presentation involved a performance of "I'm Not Rappaport" for the clients and staff at Y-Haven, a shelter and drug rehabilitation center for homeless men. The cast approached this performance with trepidation because they didn't know if the play might hit too close to home. Again, the play was received with great enthusiasm and the discussion was lively and thoughtful. Rosenberg was so impressed with the honesty and quality of comments that he invited three of the men to meet with one of his graduate classes to discuss homelessness and addiction.

The actors and audiences agree that there is nothing more powerful than live theatre to impart knowledge and stir emotions. The plays get people to identify with the characters and actually feel the ethical dilemmas. It is not unusual to have an audience member cry or express anger. "When this happens we know our teaching is working and we are moving molecules," states Rosenberg.

Voices of Diversity is a joint project of the Mandel School of Applied Social Sciences and the Center for Professional Ethics, CWRU. This project is financially supported by The Andrews Foundation, the Eleanor Gerson Supporting Foundation, the Harry K. Fox and Emma R. Fox Charitable Foundation and the Mt. Sinai Health Care Foundation. Grant support makes it possible to subsidize the cost of performances to nonprofit groups requiring financial assistance.

For more information or to book a performance, please contact Project Coordinator, Darlene Rebello-Rao at (216) 297-1884 or by email dxr2@po.cwru.edu

News, Notes, and Future Events

Eleventh Annual Meeting Association for Practical and Professional Ethics February 28-March 3, 2002

The Annual Meeting, open to Association members and nonmembers, welcomes persons from various disciplines and professions for discussion of common concerns in practical and professional ethics. The meeting provides an opportunity to meet practitioners, professionals and scholars with shared interests. Sessions will appeal to practicing professionals concerned with ethics and faculty who wish to incorporate ethical issues into their courses but lack training in ethics; those interested in ethics curriculum development; theoreticians in practical ethics; and scholars in specific areas of practical ethics. The Keynote speaker for the Eleventh Annual Meeting will be Robert C. Solomon, Quincy Lee Centennial Professor of Philosophy and Business at the University of Texas at Austin and a member of the Academy of Distinguished Teachers. His topic will be "Passions at Work."

For further information, contact:

http://php.ucs.indiana.edu/~appe/program.html
phone: (812) 855-6450
FAX (812) 855-3315

Global Journalism Ethics Forum Submissions

The World Press Institute (WPI) is calling for manuscripts for a new journalism ethics forum to be hosted on WPI's Web site:

http://www.worldpressinstitute.org

The forum, called "Global Journalism Ethics," will present brief analyses of ethical issues and principles that are relevant to journalism. The goal is to prompt discussion among website visitors and WPI's global network of journalists. Comments will be posted. The forum will be launched in early 2002.

Journalism professors and others are invited to send their submissions by e-mail to the editor. Submissions should be brief - approximately the length of two computer screens, or a maximum of 1,000 words. Submissions should include suggestions for links.

For further information, contact:

Stephen Ward, Associate Professor and Editor
The School of Journalism, University of British Columbia
e-mail: sjward@interchange.ubc.ca

Exploring Moral Formation: The College Experience March 20-22, 2002

How ought colleges and universities educate students for moral and spiritual growth? How can higher education promote moral development without producing conformity or dictating behavior? What particular contributions ought the Christian College make toward a student's moral formation?

Higher education is experiencing a renaissance of values education. "Exploring Moral Formation: The College Experience" at Wheaton College will provide an interdisciplinary intellectual framework for this renaissance, with particular focus on Christian higher education. An outstanding collection of scholars will provide sociological, theological, developmental, and philosophical statements on the role of higher education in character formation. This conference will benefit all educators, but particularly those in Christian higher education who seek vigorous academic discussions of ethical foundations for the moral life.

For further information, contact:

www.christianethics.org
phone: (630) 752-5886

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